

BILL NO 83-2007
AN ORDINANCE

AMENDING THE CODIFIED ORDINANCES OF THE CITY OF READING CHAPTER 6, PART 4 CONDUCT, A. PROHIBITING THE DISCHARGE OF FIREARMS AND RENUMBERING ACCORDINGLY.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances Chapter 6, Part 4 Conduct, A. Prohibiting the Discharge of Firearms and renumbering accordingly as attached hereto as Exhibit A.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days, in accordance with Charter Section 219.

Enacted December 10, 2007


Vaughn D. Spencer, President of Council

Attest:



City Clerk

Submitted to Mayor: 

Date: 12-11-07

Received by the Mayor's Office: MS

Date: 12-11-07

Approved by Mayor: 

Date: 12/11/07

Vetoed by Mayor: _____

Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 10 day of Dec A. D. 2007. Witness my hand and seal of the said City this 10 day of Dec A. D. 2007.


CITY CLERK

EXHIBIT A

A. Prohibiting the Discharge of Firearms

§6-401. Definitions

As used in this Part, the following words shall have the meanings indicated:

Discharge – The expulsion of a projectile from a Firearm or the operation of a Firearm in such a manner so as to lead one to reasonably conclude by sight or sound, that a projectile was expelled from a Firearm. If the Firearm used is capable of the expulsion of a projectile, its firing alone shall be sufficient to constitute a discharge and no further proof of the expulsion of a projectile shall be necessary.

Firearm -- Any device which is designed and intended to expel a projectile by action of gun powder, any other explosive, compressed air, compressed gas or mechanical device including, any device which, when discharged, would by sound or otherwise, (1) lead another to reasonably conclude by sight or sound that the device expelled a projectile or (2) give the appearance of the expulsion of a projectile even though no expulsion of a projectile occurred. By way of example and not limitation, items that are to be considered Firearms under this Article include guns, pistols, rifles and shotguns. The definition of "Firearm" shall not be deemed to include items that are traditionally considered to be children's toys when used in the manner for which they were designed. The definition of "firearm" shall not include starter pistols when used in the manner in which they were intended; i.e. to signify the start of a race or other similar event.

§6-401. §6-402. Discharge of Firearms Prohibited.

Except in necessary defense of person or property, or as provided in the exceptions set forth in Subsection A of this part, it shall be unlawful for any person to use, fire, or discharge any gun or other firearm within the City.

(Ord. 14-2001, 5/29/2001)

A. The following acts shall not constitute a violation as set forth in §6-402:

1. The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty, including but not limited to active operations, training exercises and ceremonies.
2. The discharge of a firearm for purposes of hunting or other activities regulated by and conducted in accordance with the Game and Wild Life Code of Pennsylvania.
3. The discharge of a firearm within a properly constructed and legally permitted firing range duly established within the City of Reading.
4. The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Chief of Police of the City of Reading.

~~§6-402.~~ §6-403. Use of Air Rifles, Bow and Arrows or Similar Devices Restricted.

Except as provided in Subsection A. of this part it shall be unlawful for any person to discharge any air rifle, air pistol, spring gun, spring pistol, B-B gun, bow and arrow, or similar device, or any implement that is not a firearm but which impels a pellet of any kind with a force that can reasonably be expected to cause bodily harm, at any place within the City, except as provided in §6-413 of this Part, and except on a target range which is properly constructed to trap or stop the projectile as ascertained by the Chief of Police.

(Ord. 14-1001, 5/29/2001)

A. The following acts shall not constitute a violation as set forth in §6-403:

1. The discharge of a firearm by a law enforcement officer or military personnel acting within the line of duty, including but not limited to active operations, training exercises and ceremonies.
2. The discharge of a firearm for purposes of hunting or other activities regulated by and conducted in accordance with the Game and Wild Life Code of Pennsylvania.
3. The discharge of a firearm within a properly constructed and legally permitted firing range duly established within the City of Reading.
4. The discharge of a firearm at an event, for which the party organizing or promoting such event has obtained a special permit issued by the Chief of Police of the City of Reading.

§6-404. Permits for limited discharge of firearms

The Chief of Police of the City of Reading may issue a permit to allow the limited discharge of firearms for events or activities within the City of Reading, upon application of the party responsible for the organization or promotion of such event or activity. The Chief of Police shall only issue a permit once he/she has determined in his/her judgment that adequate safety measures have been or will be taken such that the discharge of firearms during the event or activity will not pose a significant risk to the health and safety of the residents of the city, or the participants and spectators during the event or activity. The issuance of a permit under this section shall not be unreasonably withheld or delayed. By way of example and not limitation, the events or activities for which permits may be issued include target shooting competitions or demonstrations, fireworks demonstrations and block shoots.

~~§6-404.~~ §6-405. Penalties for Violation.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be fined \$500.00 for each offense and the cost of prosecution and shall be ordered to pay restitution, in an amount determined by the court, for damages to person or properties suffered by a victim as a result of the violation of this Part and shall serve a term of imprisonment of 90 days. Each Discharge as defined herein shall constitute a separate and distinct offense and sentences therefore shall be imposed for each offense and may not run concurrently but must run consecutively to each other. The fines collected by the district justice for a violation of provisions of this Article shall be paid over to the City of Reading